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UNITED STATES DISTRICT COURT

DISTRCIT OF NEVADA

ALLISON AUTOMOTIVE GROUP, INC., Plaintiff, vs. VOLKSWAGEN GROUP OF AMERICA, INC. DBA AUDI OF AMERICA, INC., Defendant.	Case No. 3:11-cv-00288-LRH-VPC **DEFENDANT'S STATEMENT REGARDING REMOVAL, WITH CERTIFICATE OF SERVICE**

Defendant Audi of America, Inc., an operating unit of Volkswagen Group of America, Inc., responses to the Court's minute order (Ct. Dkt. #4, filed April 25, 2011) as follows:

1. **The date(s) on which you were served with a copy of the complaint in the removed action:**

Plaintiff filed the complaint on March 31, 2011, and informally delivered a copy to undersigned counsel that day. Defendant filed a notice of appearance and waiver of service in state court on April 15, 2011, pursuant to Nevada Rule of Civil Procedure 4(f) ("A voluntary appearance of the defendant shall be equivalent to personal service of process upon that defendant in this State.").

2. **The date(s) on which you were served with a copy of the summons:**

Defendant filed a notice of appearance and waiver of service in state court on April 15, 2011, pursuant to Nevada Rule of Civil Procedure 4(f) ("A voluntary appearance of the defendant shall be equivalent to personal service of process upon that defendant in this State.").

3. In removals based on diversity jurisdiction, the names of any served defendants who are citizens of Nevada, the citizenship of the other parties and a summary of defendant's evidence of the amount in controversy:

a. No defendants are citizens of Nevada.

b. Plaintiff is a Nevada corporation with a primary place of business in Nevada. Defendant Audi of America, Inc., an operating unit of Volkswagen Group of America, Inc., is an unincorporated operating unit of Volkswagen Group of America, Inc. ("VWGoA"). VWGoA is a corporation organized under the laws of the State of New Jersey. VWGoA's corporate headquarters are located in Virginia, and its administrative and executive functions are performed in that state. Its business operations are conducted in numerous states and are not concentrated in one particular state. As a result, Audi is, and was as of the commencement of the State Court Action, a citizen of New Jersey and Virginia.

c. Plaintiff's prayer for relief, pursuant to NRS 482.36423, seeks "three times the pecuniary loss sustained" from Audi's alleged violations of NRS 482.36371 (Cmplt. 6 ¶ 2). The Complaint references a letter of intent from Randolph Townsend and Suresh Naidu concerning the purchase of Allison's dealership (Cmplt. ¶ 18). Under this letter of intent, the sale price for the assets to be purchased was at least $3,000,000 (Ct. Dkt. #2, Cagle Decl. ¶ 5). The Complaint also references a letter of intent from Brett Coleman (Cmplt. ¶ 22). Under this letter of intent, a package of assets of the dealership was to be purchased for at least $1,250,000 (Cagle Decl. ¶ 6). Treble damages for these claims are $9,000,000 and $3,750,000, respectively.

4. If your notice of removal was filed more than thirty (30) days after you first received a copy of the summons and complaint, the reason removal has taken place at this time and the date you first received a paper identifying the basis for removal.

Not Applicable

5. In actions removed on the basis of the court's jurisdiction in which the action in state court was commenced more than one year before the date of removal, the reasons this action should not summarily be remanded to the state court.

Not Applicable

6. The name(s) of any defendant(s) known to have been served before you filed the notice of removal who did not formally join in the notice of removal and the reasons they did not.

Not Applicable. There is only one named defendant

Dated this 25th day of April, 2011

ARMSTRONG TEASDALE, LLP

/s/Louis M. Bubala III
LOUIS M. BUBALA III, Esq.

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned served the following paper:

DEFENDANT'S STATEMENT REGARDING REMOVAL, WITH CERTIFICATE OF SERVICE

on the following persons pursuant to FRCP 5 on April 25, 2011.

3:11-cv-00288-LRH -VPC Notice has been electronically mailed to:

James W Puzey jpuzey@puzeylaw.com, jpuzey@nevadafirm.com, lwood@nevadafirm.com, lwood@puzeylaw.com

Counsel for Plaintiff

Dated this 25th day of April, 2011

ARMSTRONG TEASDALE, LLP

/s/Louis M. Bubala III
LOUIS M. BUBALA III, Esq.

Attorneys for Defendant